

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *et al. ex rel.*  
ELIZABETH SAENGER,

Plaintiffs,  
v.  
MEDSCAPE, LLC *et al.*,  
Defendants.

23 Civ. 9122 (PAC)

**FILED UNDER SEAL**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 5/14/25  
DATE FILED: 5/14/25

**ORDER**

The United States of America and the co-plaintiff states (the “States”) having now declined to intervene pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and analogous state False Claims Acts, with respect to the claims raised in the complaint filed by the relator;

IT IS ORDERED THAT,

1. The complaint shall be unsealed thirty days after entry of this Order and, in the event that the relator has not moved to dismiss the action, service upon the defendants by the relator is authorized as of that date. If the relator voluntarily dismisses the complaint pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure within this thirty-day period, the relator may seek to modify this Order with the consent of the United States and the States or by motion on notice to the United States and the States.

2. All documents filed in this action prior to the entry of this Order shall remain under seal and not be made public, except for, thirty days after entry of this Order, the relator’s complaint, this Order, and the Government’s and the States’ Notices of Election to Decline Intervention (the “Notices of Decision”). The relator will serve upon the defendants this Order and the Notices of

Decision only after service of the complaint.

3. Upon the unsealing of the complaint, the seal shall be lifted as to all other matters occurring in this action after the date of this Order.

4. The parties shall serve all pleadings, motions, and notices of appeal filed in this matter, including supporting memoranda, upon the United States and the States. The United States and the States may order any transcripts of depositions. The United States and the States may seek to intervene with respect to the allegations in the relator's complaint, for good cause, at any time, or seek dismissal of this action.

5. All orders of this Court in this matter shall be sent to the United States and the States by the relator.

6. Should the relator propose that the complaint or any of its allegations be dismissed, settled, or otherwise discontinued, the relator must solicit the written consent of the United States and the States before applying for Court approval.

7. In accordance with the terms of the Maryland False Health Claims Act, Md. Code Ann., Health Gen, § 2-604 (a)(7), the State of Maryland having declined to intervene in this matter, all claims asserted on behalf of Maryland are hereby dismissed without prejudice.

Dated: 5/16/24, 2024  
New York, New York

SO ORDERED:

  
HONORABLE PAUL A. O'GROTTY  
UNITED STATES DISTRICT JUDGE